IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.16030 of 2003

Between:

P. Sanyasi Apparao, S/o. Late P. Ch. Mouleswararao,
44 years, working as LDC (under suspension)

Office of the Divisional Engineer, C&O Division, APEPDCL,

Paderu, C/o. PSS Vasu, Flat No. 2, Bhavani Apartment-3,

Balayya Sastry layout, Balaji Hills, Visakhapatnam-530 013.

..... PETITIONER

AND

1) The Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Rep. by its Managing Director, Daba Gardens,

Visakhapatnam-20.

2) The Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Rep. by its Chief General Manager (EO) & EXPR) (In Charge),
Daba Gardens, Visakhapatnam-530 020.

3) The Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Rep. by its Superintendent Engineer, Operation Circle,
Opposite Green Park Hotel, Waltair Main Road,
Visakhapatnam-530 002.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a Writ one in the nature of 'MANDAMUS' declaring (I) that the Charge sheet bearing Memo No. FA&CCA/Peshi/D.No.95/03,
14-02-2003 of Respondent No.2 are not in accordance with Regulation 10 (2) (a) of A.P State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations (II) that action of respondents 2 and 3 conducting disciplinary enquiry parallel to Criminal Case No.437/2002 before the 5th Metropolitan Magistrate on similar set of facts and for the same cause of actions, would cause injustice to the petitioner (III) that the action of the 2nd and 3rd respondent keeping the petitioner under prolonged suspension under Memo No.SE/VSP/SAO/AD.A$/D.No.601/2001, dated
10-5-2001, is in violation of proviso to Regulation 11 (ii) of the
A.P. State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations; (IV) that the action of the respondents
2 & 3 in not supplying the extracts of the documents on which reliance has been placed by them is in violation of Regulation 10(2)(a) of the A.P. State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations; (V) that the action of the respondents in not paying the subsistence allowance in full is contrary to Regulation 56 of Part-I of APSEB Service Regulations;
(VI) the action of the 1st respondent in not dealing with the appeal, dated 09-11-2002, in violation of Regulation 13(d) read with Regulation 11(e) of the A.P. State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations and consequently set aside all the departmental proceedings in pursuance of the Memo, dated 10-05-2001 and 14-02-2003 of the 3rd and 2nd respondents and direct the respondents to reinstate the petitioner into service with backwages and with all attendant benefits.

Counsel for the Petitioner: Mr. A. SRINIVASA SARMA

Counsel for the Respondents: Smt. E. Urmila, S.C. for A.P. Genco.

The Court made the following :

ORDER:

It is submitted by the learned counsel for both the parties that the subject matter that arises for consideration in this writ petition is squarely covered by the decision rendered by a Division Bench of this Court in W.A. No.1990 of 2004, dated
29-12-2004.

Following the said judgment, this writ petition is also disposed of with the same observations made thereunder without any order as to costs.

K.C. BHANU, J

Date:01-07-2005.

PV

To

1) The Managing Director,

Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Daba Gardens, Visakhapatnam-20.

2) The Chief General Manager (EO) & EXPR) (In Charge),

Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Daba Gardens, Visakhapatnam-530 020.

3) The Superintendent Engineer, Operation Circle,
Eastern Power Distribution Company of

Andhra Pradesh Ltd.,

Opposite Green Park Hotel, Waltair Main Road,
Visakhapatnam-530 020.

4) Two C.Cs. to S.C. for A.P. Genco, High Court of A.P.,

Hyderabad (O.U.T.)

5) Two C.D. copies.